

Remarks

This amendment is submitted in responses to the Official Action mailed December 21, 2004.

Review and reconsideration of this application are respectfully requested.

The Examiner has required that the current status of all non-provisional parent applications be included in the present application. Accordingly, applicant has amended the specification at page 1 to include the patent number and issue date accorded to the parent application..

Applicant notes that the present application was filed without claims 32, 33 and 34; therefore, original claims 36, 37 and 38 have been renumbered 32, 33 and 34, respectively. Accordingly, it is to be understood that any reference to claims 32, 33 and 34 in this amendment is meant to refer to the originally filed claims 36, 37 and 38, respectively.

Claims 1-38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of US Patent No. 6,652,939 in view of Ries (US 6,798,048).

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of copending Application No. 10/621,231 in view of Ries (US 6,798,048).

With respect to the two judicially created doctrine of obviousness-type double patenting rejections, applicant is submitting herewith a Terminal Disclaimer to effectively remove US Pat. No. 6,652,939 and copending Application No. 10/621,231 as references. In each of such rejections, the patent to Ries is cited as teaching the use of carbon fibers and carbon fibrils. Applicant submits that Ries specifically teaches a tubular structure having a conductive inner

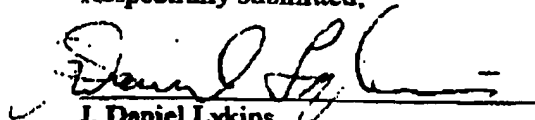
layer, a conductive outer layer and a non-conductive layer between the two conductive inner and outer layers. Since both US Pat. No. 6,652,939 and copending Application No. 10/621231 have been effectively removed as primary references and since the present claims are not considered to be unpatentable over the reference to Ries, the rejection can be withdrawn.

Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kertesz (DE 44054409, abstract only). The Examiner alleges that Kertesz teaches fuel hoses containing Al cores and polyamide inner and outer layers. The Examiner acknowledges that Kertesz fails to teach the use of fibrous carbon/graphite in its inner layers, and suggests that, in view of the Reis reference discussed in the above rejections, it would have been obvious to one having ordinary skill in the art at the time of the invention to employ the fibrous carbon/graphite of Ries in the inner layers of the Kertesz tubes in order to reinforce the layers while enhancing conductivity.

Applicant submits that the above amendments wherein the independent claims 1, 18 and 19 have been amended to define the outer tubular structure of the fuel transport tube as precluding nylon and high density polyethylene sufficiently distinguishes over the cited references. Accordingly, it is believed that this rejection can now be withdrawn.

In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance, and an early indication thereof is earnestly solicited.

Respectfully submitted,


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